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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/668,594 09/23/2003		0/23/2003	Dean L. Kamen	1062/D93	1062/D93 2430	
2101	7590	06/08/2005		EXAMINER		
BROMBER 125 SUMME		ISTEIN LLP	. LIEU, JULIE	LIEU, JULIE BICHNGOC		
BOSTON, MA 02110-1618				ART UNIT	PAPER NUMBER	
•				2636		

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed December 23, 2004.

Claims 1 and 7 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 6, and 7 are again rejected under 35 U.S.C. 102(e) as being anticipated by Bellinger (US Patent No. 6,349, 253).

Claim 1:

Bellinger discloses an alarm system for a vehicle having a motorized drive, the alarm system comprising:

- a. a sensor for sensing a specified condition of the vehicle; and
- b. a controller for causing motorized drive of the vehicle, in response to the specified condition, to accelerate with a vehicle acceleration modulated with a periodic modulation such that the vehicle acceleration alternates between braking and speeding up and braking over each period of the modulation.

See fig. 4A-4D.

Claim 6:

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An alarm system according to claim 1, the specified condition including at least one of low battery power, a specified vehicle speed, and receipt by the controller of conflicting values from redundant subsystems.

Claim 7:

The rejection of claim 7 recites the rejection of claim 1, except it is a method claim.

Allowable Subject Matter

2. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Remarks

4. Applicant's arguments filed 12/23/2004 have been fully considered but they are not persuasive.

Argument:

"Claim 1 is directed to an alarm system for alerting the operator of a vehicle having a motorized drive which in part requires a controller for causing the motorized drive, in response to (a) specified condition, to accelerate the vehicle." Thus, in response to a condition sensed by a

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sensor, the motorized drive accelerates the vehicle. The Bellinger reference does not teach or suggest such an arrangement. Both claim 1 and Bellinger use sensors to determine characteristics of a vehicle's operation. But where claim 1 uses a controller and motorized drive to impart an acceleration to a vehicle, Bellinger describes using a controller and brakes to terminate an undesired acceleration of an out of control vehicle (i.e., a runaway truck)."

Response to Applicant's Remarks

Response:

The applicant's argument is not deemed persuasive because the term "acceleration" can be broadly interpreted as either negative acceleration, i.e. deceleration, or conventional acceleration. Therefore, the rejection is maintained.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu

Primary Examiner
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